

Exhibit D

PRIVILEGES AND ELECTIONS

REDISTRICTING

SENATE HEARING

BEFORE: DELEGATE MARK COLE, CHAIRMAN

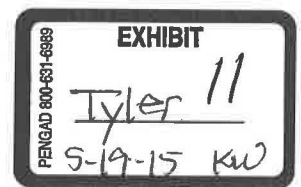
PLACE: COMMONWEALTH OF VIRGINIA
GENERAL ASSEMBLY BUILDING
RICHMOND, VIRGINIA 23218

DATE: APRIL 4, 2011

TIME: 2:00 PM

Crane-Snead & Associates
4914 Fitzhugh Avenue, Ste 203
Henrico, Virginia 23230
804-355-4335

Crane-Snead & Associates, Inc.



1 CHAIRMAN COLE: The meeting will come to order.
2 The first order of business today is we're going to take
3 up a Senate Joint Resolution confirming some of the
4 appointments that the Governor has made. It has been
5 distributed to the members, so please look at it. It's
6 Senate Joint Resolution number 5001.

7 DELEGATE COSGROVE: Motion to report.

8 CHAIRMAN COLE: There's a motion to report. Is
9 there a second? All in favor of reporting will vote yes.
10 Has everyone voted? Clerk will close the role. The
11 resolution is reported.

12 All right. We have, I think, two other bills on
13 the docket today. What I would like to do is have a
14 presentation of both of the bills first, before we do any
15 notices, and at the request of the patron, I'll ask
16 Delegate Brink if he would present House Bill 5002.

17 DELEGATE BRINK: Thank you Mr. Chairman and
18 Members of the Committee. I deeply appreciate your giving
19 me the time to bring House Bill 5002 before you, given the
20 time constraints that you're working under, and also the
21 time that you have devoted over the past couple of weeks
22 to redistricting.

23 The Bill, House Bill 5002, is a product of the
24 Virginia Redistricting Competition, which was sponsored by
25 the Watson Center for Public Policy at Christopher Newport

1 University, and the Public Mapping Project at George Mason
2 University. The goal was to educate Virginia college and
3 university students and the public about the process of
4 redistricting. And, from what I understand from many of
5 the students, they learned more than they thought they
6 were going to through this process.

7 The student teams were tasked with drawing
8 districts for Congress, the State Senate and the State
9 House of Delegates using the 2010 census criteria. There
10 were two divisions. One of them followed criteria
11 originally articulated for this competition, and the
12 second division was tasked with using the criteria in
13 Governor McDonnell's executive order, establishing his
14 Advisory Redistricting Commission.

15 I'm told 55 plans were submitted to the
16 competition. The volunteer judges for this were Thomas
17 Mann, who is the senior fellow at the Brookings
18 Institution, and Norman Ornstein, who is the resident
19 scholar at the American Enterprise Institute. The winner
20 for the competition for the House of Delegates, using the
21 Governor's advisory criteria, was the team from the
22 University of Richmond, led by Professor Dan Falsore.

23 I introduced this plan by request as House Bill
24 5002; first, because I think that this student team and
25 the other student team deserve recognition for the time

1 that they've devoted to this project; and, second, because
2 in assembling its plan, I think you'll learn that the team
3 has discovered and experienced many of the time, legal,
4 and statistical challenges that confronted this committee
5 and you, Mr. Chairman, over the past couple of weeks.

6 Caleb Routhier of the University of Richmond is
7 here representing the team to describe the plan that's
8 embodied in 5002, and, if I could, I would like to have
9 him present it to you briefly.

10 CHAIRMAN COLE: Sure.

11 MR. ROUTHIER: I've been made aware that you each
12 have a plan in front of you. I think that if you can
13 contrast them with House Bill 5001, you'll see that there
14 are a number of key differences.

15 I want to begin by saying that we developed this
16 plan from an apolitical prospective. We didn't look at
17 voter registration data, or who voted for who in the past
18 elections. We drew the precincts so that they would be
19 around communities of interest, around highways and rivers
20 and inlets, and we just let the politics fall where they
21 may. As a result, our map ended up being very fair, in
22 terms of republicans versus democrats in the House that
23 would be elected, based on the 2009 results.

24 If you look at the southwest of Virginia, you'll
25 notice under House Bill 5001, there are a number of

1 districts that are very strung out; the 5th district, 6th,
2 14th. In the session earlier today, the 17th was brought
3 up by Joe Morrissey as being shaped like the letter C.
4 Our plan does not create all of these strung-out
5 districts. It keeps the communities of interest
6 together.

7 In Richmond, especially if you contrast 5001 to
8 5002, Richmond looks much better. You have a nice little
9 diamond effect in Richmond, and then a square district,
10 and they still follow the minority/majority rules,
11 creating four minority/majority districts in the City of
12 Richmond, without sacrificing contingency and contiguity.

13 If you look at Hampton, especially the peninsula
14 from Williamsburg through Newport News, down to Hampton,
15 there are six districts on both plans. But if you look at
16 how the districts are strung out, the 5001 bill creates
17 very long, stringy districts, and the 95th looks like a
18 ladle.

19 If you look at the 5002 plan, that peninsula of
20 six districts, which you could just switch that peninsula
21 in with the six-district peninsula from the other plan
22 with no effect to the rest of the state, our districts
23 make more sense. They are all contiguous. They are
24 compact, and this is the theme throughout the rest of the
25 map, as well. If you look in the Tidewater region, the

1 district from the 5001 map looks like a jumbled mess. If
2 you look at the 80th district, it's barely touching
3 itself, the two halves of it.

4 Our map still provides the same number of
5 minority/majority districts, and they're all contiguous
6 and compact. And the lines just look much better, so that
7 people are living within the same community of interest as
8 their delegates.

9 If you go up to northern Virginia, the districts
10 there are reasonably similar, but there are a few notable
11 exceptions, like the 51st and the 39th and the 40th, where
12 the 5001 plan creates very strung-out districts, so that
13 people are not connected with other people in the
14 district, and they're not being represented by someone who
15 can actually represent all of them very well.

16 Finally, in northwest Virginia, you see around
17 the cities of Charlottesville and Harrisonburg a number of
18 districts that are strung out; like the 25th, the 20th,
19 excuse me, has a very similar situation to the 80th, and
20 then the 76th, down in the Tidewater region, where it's
21 just barely connected together.

22 Many of these districts from the 5001 map are
23 connected not even by roads. They're connected only by
24 inlets of water, so you would have to take a boat or leave
25 the district in order to be able to access all parts of

1 the district. We fixed this problem by making sure that
2 the 100th district was accessible by road. The 79th
3 district is accessible by roads within the district.

4 We just wanted to present this plan to show that
5 the district, if you approach the process from an
6 apolitical perspective, you can draw districts that still
7 present representational fairness around the state, still
8 provide the number of minority/majority districts, and
9 create shapes that people will be able to look at and say,
10 oh, the redistricting plan actually made some sense this
11 year.

12 So this is the general layout of our plan. Thank
13 you.

14 CHAIRMAN COLE: All right. Thank you very much.
15 Is that your presentation?

16 DELEGATE BRINK: That's my presentation.

17 CHAIRMAN COLE: All right. Thank you very much.

18 Are there any questions or comments? Delegate
19 Jones.

20 DELEGATE JONES: What was the deviation on the
21 plan, do you know?

22 MR. ROUTHIER: The deviation is plus or minus
23 five percent.

24 DELEGATE JONES: So if I may, I guess your
25 emphasis would be more compactness and contiguity instead

1 of One Person/One Vote?

2 MR. ROUTHIER: We were focusing more on
3 compactness and contiguity, yes.

4 DELEGATE JONES: Thank you, gentlemen.

5 CHAIRMAN COLE: All right. Any other questions
6 or comments?

7 Thank you, gentlemen.

8 Delegate Jones, are you ready to present your
9 bill?

10 DELEGATE JONES: I thought there was another bill
11 to be presented. Is there another?

12 CHAIRMAN COLE: No.

13 DELEGATE BRINK: Thank you for your time,
14 Mr. Chairman.

15 DELEGATE JONES: Mr. Chairman, I'm just going to
16 sit right here, if it's okay. The body has before it
17 House Bill 5001. I believe it's been a week and a half
18 ago, we had a meeting that dealt with criteria, and we had
19 plus or minus one percent, and we had as our second
20 criteria the compliance, the full compliance with the
21 Voting Rights Act.

22 What you have before you, in my opinion, does
23 that, Mr. Chairman, and I would say that, you know, we
24 have had a lot of amendments that have been offered to
25 this bill, and there are going to be individuals on this

1 committee that are going to be making recommendations and
2 amendments.

3 We have a substitute that was just delivered to
4 the second floor about 20 minutes ago, and in about 15
5 minutes we should have a report that looks like this, that
6 has every district with the precincts and where they're
7 cut and the districts, et cetera, as far as communities
8 and neighborhoods or jurisdictions. This bill that was
9 put in last week did cause three districts to move from
10 the southern part of Virginia. You have south side, you
11 have the great southwest, and you have Hampton Roads.

12 The population shifts over the last decade caused
13 a shift of approximately three seats from the -- if you
14 use as your latitude, I guess, Williamsburg, you go over
15 to Petersburg and you go to Lynchburg, and go over toward
16 West Virginia, everything below that had almost a three-
17 seat loss in population. So what this map reflects is
18 evenly disbursed across the bottom part of Virginia,
19 moving into the growth areas of our Commonwealth, which
20 have Loudon County, Prince William County, and Stafford
21 County.

22 You will note that the gentleman to my right, my
23 good friend Phillips, he has moved to the northern part of
24 Stafford County. Prince William, the 7th seat, has moved
25 from Norfolk to Loudon, and so has the 10th, has moved

1 from Southside to Loudon. Those are the three major
2 differences, as far as the plan that was before us, as far
3 as the seats and how they were handled. Now, what we do
4 have before you was my first best shot, after talking to
5 some of the individuals who came to see me, and many
6 members of the House of Delegates.

7 What happened after the bill was introduced, what
8 happened ten years ago, is that when they could see the
9 map and they could see various precincts and the splits
10 that occurred, there were requests that started coming in
11 almost immediately from last Tuesday. Since Tuesday,
12 until today, I've probably met with 15 to 20 members,
13 either personally or on the phone. I'm trying to deal
14 with some of the issues that they felt could be easily
15 corrected, and still adhere to the One Person/One Vote
16 criteria.

17 We had the public hearing. The last was this
18 morning. It was our eighth in the last three days. We
19 had a good turnout in Hampton Roads last Thursday night.
20 We went to Rockingham. We went to Abington, and then we
21 went to Danville on Saturday, and then we had our last
22 public hearing here this morning at 10:00.

23 So what I would like to do is bring up a couple
24 of technical amendments that were brought to my attention,
25 that will be in the substitute that you will see in a few

1 minutes. And then, other members would probably like to
2 speak from various areas of the Commonwealth.

3 It was brought to our attention Saturday morning
4 that in the Town of Timberville there was an issue that we
5 needed to fix. Delegate Landis and I can relate to that.
6 We moved population from the 15th to the 26th, and then we
7 had an issue in Ridgewater and we had to pick up a zero
8 census block. We also had some issues that were raised at
9 the Abington meeting about the Town of Abington, and I
10 think the substitute will reflect keeping all of the Town
11 of Abington within one House district.

12 We also had a couple of requests. I know that
13 York County had a request last Thursday night. We looked
14 into that, and feel like that issue has been addressed and
15 taken care of. There was also, I believe, a request from
16 the County of Frederick between the 29th and the 10th
17 districts. We had a split precinct. We had some serious
18 concerns with that, and I'm pleased to say we were able to
19 address that and make that fix after the session today.

20 I think there were technical amendments that are
21 much better included in the substitute that we will have
22 in a few minutes, as far as the listing. Also, we had an
23 issue that was between the 5th and the 6th, which is
24 Delegate Carrico and Delegate Crockett-Stark. I believe
25 we did in Smith County. We took that and we flipped out

1 Seven Mile Ford precinct for Sugar Grove and Royal Oak
2 West. That was something that was requested, and the
3 numbers worked and it made sense to do. In the last
4 requests, we had a request from Delegate Cosgrove dealing
5 with an industrial park that has zero population, so that
6 would be a zero census block.

7 There were some questions and concerns about
8 maybe having too many members in one city. The bill that
9 was introduced reduced the number of members that
10 represent the Chesapeake by one, and we reduced in the
11 79th district, which is Delegate Joannou, you went from
12 four jurisdictions to two. That's in the original
13 substitute bill that's before us. I tried to listen to
14 things along the way from the jurisdictions and from the
15 towns and the counties and cities.

16 I do believe that Delegate Spruill might have an
17 amendment he wants to make. I know that Delegate Spruill
18 came to me last week, and there was some concern as far as
19 trying to get the 92 all in Hampton; is that correct,
20 Lionell?

21 DELEGATE SPRUILL: That's correct.

22 DELEGATE JONES: And so what we were able to do
23 was to rotate two precincts from the 92nd back into the
24 95th, and that took the 92nd out of Hampton. And that
25 switch actually was done very easily by giving back a

1 whole precinct that the 92nd had lost to the 91st, and
2 picked up two split precincts that were split in the
3 introduced bill. So that is what we did in the peninsula
4 and for Delegate Spruill.

5 Then, last week, we had a meeting with some
6 gentlewomen from Richmond City and on Southside. So
7 Delegate Dance, if you would like to give some details as
8 to what we looked at and what we considered, and I'll give
9 a little more detail, if you like.

10 DELEGATE DANCE: Thank you, Delegate Jones.
11 There were some issues between Delegate McClellan's area
12 and Delegate Carr, and with some help from you and working
13 with Delegate Loupassi, they were able to make some
14 changes that would strengthen their district, minority
15 district.

16 In the twelve minority districts that we have
17 around the state, two of the districts that we're talking
18 about, two minority districts, one held by an African
19 American, one held by a Euro-American, Delegate Clark, are
20 still minority districts. Whether they serve or others
21 serve, or others have an opportunity, depends on how
22 strong it is.

23 In trying to get that straight, at least 55
24 percent performing, voting performing in districts, it
25 required some shifting between the three. So I know

1 Delegate McClellan was at 50 percent, currently she's at a
2 50 percent district, as far as African American district.
3 For Delegate McClellan, that's not an issue. Even though
4 she's an African American, she can win that district. But
5 if Delegate McClellan leaves that and goes on to become a
6 State Representative, state-wide representative, Congress
7 or whatever, could another African American minority
8 person, if you will, still be able to keep that as one of
9 the 12 minority districts? Not so.

10 So, in order to make it stronger, so that that
11 would be a position that an African American could hold,
12 then there needs to be some shifts. And the three
13 parties, the delegates, are in agreement and we've made
14 that transition.

15 DELEGATE JONES: And I would like to add that, in
16 the process of doing that, we actually took Delegate
17 Massie and Delegate O'Bannon completely out of Henrico.
18 We were able to do that, and that left Delegate McClellan
19 with just one precinct in Henrico. I think that then
20 gives the City of Richmond, they know that they don't have
21 a split representation in that regard. That move allowed
22 us to move those two individuals out of Richmond City, and
23 then make it more compact and contiguous, I believe, at the
24 end of the day.

25 DELEGATE DANCE: Yes.

1 DELEGATE JONES: There was also an issue between
2 the 61st and the 75th.

3 DELEGATE DANCE: That's so.

4 DELEGATE JONES: Nottoway was split. And so at
5 the meeting with Delegate Tyler and Delegate Wright, they
6 felt they needed to leave it how it currently exists. And
7 so we made Nottoway whole, and then we went in and took
8 the existing two precincts that are within Lunenburg, I
9 think it was Hounds Creak and Rosebud, and were able to
10 effectuate that change. And then, on the eastern border,
11 I believe Delegate Dance made a couple of trades of
12 precincts in the Sussex and South Hampton areas, between
13 the 64th and the 75th.

14 DELEGATE DANCE: Yes, you're right. I'm kind of
15 like switching my numbers around. It's 68, 69 and 71, and
16 that's Loupassi, Carr and McClellan. And then for 61, 64
17 and 75, that is Wright, Barlow and Tyler. But Delegate
18 Tyler, of course, being the minority in the Southside
19 area, like you just mentioned, and McClellan and Carr are
20 minorities in Richmond.

21 DELEGATE JONES: And I believe we also, between
22 the gentleman to my left here, Delegate Ingram, we made a
23 swap between him and Delegate McQuinn, which actually took
24 a southwestern precinct away from her, and we gave her
25 back a precinct that she currently has, which has made it

1 a little bit more compact in that regard. So that was
2 something that was approved by me with my colleagues from
3 Richmond City.

4 DELEGATE DANCE: That's correct.

5 DELEGATE JONES: Anything that you may have?

6 DELEGATE DANCE: That's what I've got.

7 DELEGATE JONES: Okay. Now we'll move north. I
8 know that Delegate Sickles and I have sat down on several
9 occasions to go over some concerns about communities of
10 interest. He knows where the Metro stops are, where the
11 communities exist, and where we might have cut something
12 in half. So I'll just yield the mic at this point to
13 Delegate Sickles.

14 DELEGATE SICKLES: Thank you, Delegate Jones.
15 First of all, I would like to say, on the Arlington part,
16 I don't know Arlington very well. This work was done
17 mostly by Delegate Brink, inside the beltway. But the
18 idea was to have a northern, central and south Arlington
19 district, to keep the communities of interest together in
20 that way.

21 And so from the introduced bill, we would suggest
22 moving from the 47th to the 48th precincts Woodlawn,
23 Cherrydale and Lyon Village. From the 48th to the 49th --
24 the 49th is an open seat right now, because Delegate Ebbin
25 is not running for re-election to the House. Moving from

1 48th to 49th is Hume, Virginia Highlands, Aurora Hills and
2 part of Oak Ridge. Moving from the 49th to the 47th will
3 be Ashlawn, Arlington Forest, Glen Carolyn, Barcroft and
4 part of Jefferson.

5 Outside of the Beltway, and down in my neck of
6 the woods, I'm the recipient of two large precincts,
7 Lorton Station and Lorton, moved from the introduced bill
8 from the 39th district to my district, the 43rd. And this
9 keeps all three Lorton precincts east of I-95 in the same
10 district. To compensate for all that large group of new
11 people, Pioneer would be moved from the 43rd to the 39th,
12 along with parts of Van Dorn.

13 This move was made to give the 39th district,
14 which was strung out pretty good, from western Annandale
15 down to Norton. The community of interest of Old
16 Springfield, basically older Springfield, would be all in
17 the 39th district. Part of the Belvoir precinct was moved
18 into the 44th in order to make a good connection to the
19 Hayfield precinct. Right now, because of the way the
20 census blocks were done in the introduced bill, there's a
21 split precinct that can be done away with if we move Fort
22 Belvoir, that has just a zero census block population,
23 into the 24th.

24 In order to get down to our very tight one man,
25 one vote, one percent, we had to make a couple of

1 changes. Part of Huntington precinct goes to the 45th
2 district. The part that goes in there is the same
3 neighbor, actually, it's just on the other side of the
4 street. And then we split from the introduced plan two
5 precincts that are currently represented by incumbents
6 that were switched. They were switched with population.
7 That's the reason we were able to switch them back.
8 That's Belle Haven and Belle View, in central Fairfax, in
9 the area where the 39th, the 41st and the 53rd all come
10 together.

11 In central Fairfax, we moved Camelot precinct
12 into the 39th district. That keeps a neighborhood
13 together. We moved some of southern Pine Ridge to the
14 39th, based on the natural boundary of a stream, and moved
15 Ridgely precinct into the 39th. That also maintains the
16 district precinct, and it has a community of interest with
17 Camelot.

18 The one thing that we heard on Saturday was the
19 fact that Mantua precinct was split in the original plan.
20 This amendment would put Mantua back together and be
21 entirely in the 41st district, and so a reunited precinct
22 there. And then, finally, the last thing is we switched a
23 precinct in the 37th district that was currently held,
24 that was taken out, back into a precinct for another
25 precinct, the 35th. And that is the sum total, I

1 believe.

2 DELEGATE JONES: Okay. Thank you, Delegate
3 Sickles.

4 And, as you can see from the plus or minus one
5 percent when the bill was put in last week, much input has
6 been received since then. I think, when you see a map,
7 that -- in about 30 to 45 minutes, you'll see a map --
8 that the Richmond area and northern Virginia looks a
9 little more compact and contiguous, I would think.

10 And that's really it, Mr. Chairman. Maybe a few
11 more little nits and nats here. We have got on the 14th
12 and 16th we took a precinct that was moved from the 14th
13 to the 16th, put it back into the 14th at Henry County.
14 We took a precinct, two precincts that were in the 16th,
15 and we put them in the 14th. We have looked at that, and
16 have both of those precincts in the 16th district. So I
17 think that puts us back more with the existing district as
18 it currently would sit.

19 There was a split between the 31st, Lingamfelter,
20 and Torian of the 52nd, and I think that pretty much
21 encompasses it. I think the balance of the changes that
22 have been made will be included in the substitute.

23 DELEGATE LANDIS: Mr. Chairman?

24 CHAIRMAN COLE: Delegate Landis.

25 DELEGATE LANDIS: Thank you, Mr. Chairman. Can I

1 ask Delegate Jones one question?

2 CHAIRMAN COLE: Sure.

3 DELEGATE LANDIS: Delegate Jones, one of the
4 things that I think was discussed at the public hearing,
5 and I didn't hear any mention, was a census block for an
6 annexation area, the town of Bridgewater. It doesn't have
7 any population in it, but it is just a geographic
8 adjustment. Is that --

9 DELEGATE JONES: Yes.

10 DELEGATE LANDIS: -- Among the ones that have
11 been considered?

12 DELEGATE JONES: That's right. It's not a square
13 shape when I do it. It kind of sticks up, but they
14 requested that, and I think it's something of an
15 annexation issue, and they asked that we would do that and
16 we did do that.

17 DELEGATE LANDIS: Thank you, Mr. Chairman.

18 CHAIRMAN COLE: All right. Delegate Spruill.

19 DELEGATE SPRUILL: On your plan I'm looking at
20 here, I'm trying to find my house.

21 DELEGATE JONES: Keep looking.

22 DELEGATE SPRUILL: Okay. The question that --
23 the 77th district, I'm appointed on the 77th district. On
24 your plan, the 77th district, I see that I'm no longer in
25 the 77th district. Okay. So I'm looking, trying to find

1 my house. And my house is in the 79th District, and it's
2 being represented by a fellow named John Joannou. And I
3 love you, but you aren't a minority, I don't think.

4 I just bought this house in June, and I can't
5 afford to move. So you took me out of the 77th district,
6 put me in the 79th district underneath Johnny Joannou.
7 That's point one. And you use this term minority. Okay.
8 Let's use the term minority.

9 Then I tried to find my friend, Delegate
10 Alexander. He was one of the minorities you were talking
11 about. He's in, his house is in Delegate Howell's
12 district. So you were saying, young man, about keeping
13 the minority districts intact.

14 And then I looked for Delegate Matthew James. So
15 you've got four of us right there, pooled together. So
16 what you have done is, there is Spruill, Matthew James,
17 Algie Howell, and Alexander. So we're in favor of what
18 you are talking about, but we're done looking at this
19 plan. Yes, sir.

20 MR. ROUTHIER: When we drew these plans, we did
21 not know where any of the delegates lived. We drew them
22 from a completely apolitical perspective. We just did not
23 have that data in front us. We drew them in what looked
24 like should be a community of interest there. The fact
25 that people are living all in the same area and

1 representing four districts almost seems to imply that
2 maybe those districts, the communities of interest have
3 nobody representing them right now.

4 I'm sorry that I drew your house out of your
5 district, but I didn't know where your house was when I
6 drew the district.

7 DELEGATE SPRUILL: Thank you. Mr. Chairman, I
8 have another question. But you did say earlier about
9 keeping the minority districts intact, I believe. Did I
10 misunderstand you when you said that point? My concern
11 was that, even though, let's say I was drawn by mistake
12 out of my district. My point was that the 12 minority
13 districts, that we were trying to keep them intact --

14 MR. ROUTHIER: We did not keep them intact as
15 much as we kept their would-be 12. They are in still
16 roughly the same location, but we tried to get closer to
17 50 percent or 51 percent minority for the
18 minority/majority districts, and keep them more contiguous
19 and compact, as a result.

20 DELEGATE SPRUILL: If you would look at, if you
21 would try to keep it compact -- I'm trying to understand.
22 South Norfolk, Georgetown, where my house was, Providence,
23 all of those, they would love John Joannou, but he's of a
24 different persuasion, if I can use that word.

25 Thank you. I'm satisfied now.

1 DELEGATE JONES: Mr. Chairman, I would just
2 reiterate that this plan was drawn with the criteria in
3 mind that we passed. And as I mentioned at the beginning
4 of the presentation of this bill, I think the young man
5 did a very good job presenting his bill and his case. I
6 commend the students for their hard work and what they've
7 done.

8 What I think I've heard is that what our number
9 one and two priorities, which is One Person/One Vote, and
10 fully compliant with the Voting Rights Act, were not their
11 top two priorities. I think I have heard testimony
12 Saturday night. We heard testimony this morning. We
13 heard testimony on the floor. And you have to have an
14 effective minority population to be able to, for the
15 minority to elect the candidate of their choice. Not to
16 reelect the incumbent, but to elect the candidate of their
17 choice.

18 And I think that many would say that if there are
19 50 or 51 percent voting-age population, that really puts
20 in play that ability, because if you look at the
21 registered voters and how it trends, you may have 60
22 percent of Delegate Joannou, of my persuasion, to use
23 Delegate Spruill's term. Is that how you said it? You
24 may be looking at, in reality, it might be 40 percent.

25 So we have a bleed off of the numbers who are

1 actually eligible to vote and who can vote. Because 18
2 just states you're eligible because of your age to be able
3 to vote. That's why they call it "voting-age
4 population." That does not indicate nor dictate that
5 there are that many that would and actually can vote.

6 I would just point out this plan, 5001, took into
7 account parties of interest, took into account the One
8 Person/One Vote, and full compliance in the Voting Rights
9 Act, and took into account something that we should and
10 have as its original intent.

11 Mr. Chairman, I heard that we do not have a
12 substitute in front of us. I think we'll have something
13 by the time the public comment is done to be able to have
14 that in front of us.

15 CHAIRMAN COLE: All right. Thank you, Delegate
16 Jones. What I would like to do is open this up for any
17 public comments for either plan, House Bill 5001 or 5002.
18 So if anyone would like to speak to the committee and
19 address about either plan or redistricting, please step to
20 the podium and identify yourself.

21 MR. JACKSON: Good afternoon, Mr. Chair and
22 Members of the Committee. I'm looking around the room. I
23 think some people have heard me speak before. My name is
24 Andrew Jackson, and I ought to know a little something
25 about politics. But it's just a little bit.

1 I have some concerns, and when I walk through
2 those doors, I have a habit. I take my labels off. I
3 come here as part of the "we the people" thing. I'm not,
4 I'm not ashamed if somebody calls me a minority, or
5 African America, or black, blue, green, yellow, polka-
6 dot.

7 What I am concerned about is that when you talk
8 about representation -- I spent a good part of my life
9 defending representation. A good third of my life was in
10 the military, 20 years plus. And I went into the
11 military, I rose and I raised my hand, it had nothing to
12 do with what anybody looks like. It had to do with what
13 creed I was going to defend, regardless of who came under
14 that umbrella.

15 And so a good part of my life was defending that,
16 even before we had these things called Voting Rights Act
17 and Civil Rights Act, and when I didn't have it, I
18 defended it. And I have ever since then. I would defend
19 your right, as well as my right. And I have attended, as
20 some of you may know, most of the committees that went
21 around the State. They saw me show up, and I spoke.

22 And my concern is that I am not sure, looking at
23 the plans, if everybody completely understood what
24 language we were talking, because most of the people in
25 those meetings were talking about the same thing; making

1 sure that everyone was represented, and being represented
2 by what their needs and their views were. And so I'm
3 concerned about that.

4 We in Virginia Beach sat down and drew up a map.
5 We drew up something, and I think it has been
6 distributed. But if it has not, I would ask permission
7 for someone to give that to the Clerk so that you all
8 would have a copy. Because something, for all of those
9 years, that drove me to keep moving, was just a few simple
10 words that say, "we hold these truths to be self-evident,"
11 and that we live by, indeed, by what we, in fact, say is
12 creed.

13 That's important to me. And I haven't laid down,
14 yet. So you'll see me again and again and again until we
15 get this right. We have too much at stake in this
16 Commonwealth, in Virginia Beach, in whatever city you're
17 talking about. This is important to the people. This is
18 not somebody looking at whether they're going to get
19 re-elected again. The people didn't send any of you here
20 to get reelected again. They sent you here to represent
21 us as a people.

22 And this is not here (tapping podium). There's
23 no piece of paper here. This is from here (tapping
24 chest). This is what I've lived my whole life for, in
25 moving forward and getting something done. And I want

1 representation. And in Virginia Beach it's nonexistent.
2 We're asking for a minority/majority district. And if you
3 look at that map and justification, we can do that in
4 Virginia Beach without a whole lot of turmoil. And it
5 stays within the city. It doesn't cross any boundaries.

6 So I'm going to ask you to consider that. And,
7 in doing so, don't consider it now. Go home, look in the
8 mirror, and remember we holds these truths to be self-
9 evident.

10 Thank you.

11 CHAIRMAN COLE: Thank you.

12 Anyone else wish to speak?

13 MR. WRIGHT: I don't know what else to say.

14 CHAIRMAN COLE: Could you identify yourself for
15 the record?

16 MR. WRIGHT: I'm sorry, Mr. Chairman. Good
17 evening, Mr. Chairperson. I apologize. I'm pretty much
18 at a loss for words. I really am. Because I really
19 see --

20 CHAIRMAN COLE: What's you're name, again?

21 MR. WRIGHT: I'm sorry. My name is Carl Wright.
22 I reside in the great city of Virginia Beach. I came up
23 here to put in place a minority/majority district that my
24 folks have been working on for the last two months. We
25 were up to 2:00 in the morning tweaking this thing. And I

1 want to say that we had over 60 folks, and that was
2 unusual. I'm really proud of them to come foward and work
3 to cross party lines to work on this district.

4 My concern is -- and I want to commend this young
5 man. I want to say thank you, because I know where you
6 were coming from. You didn't see any difference among
7 folks. He was trying to do the right thing, and I want to
8 commend you on that. Keep doing that. Keep doing that.
9 Ten years from now, keep doing that. I want to say that.

10 But I want to say to you all, this partisanship
11 thing, this power struggle thing to keep ourselves in
12 position so that we can be re-elected, be careful what you
13 hope for, because you might just get it and it might not
14 be what you want. Because when you start seeing those
15 come up like myself, that may mean that the natives are
16 restless. They're not just sitting back like they used
17 to, just being comfortable. I take notice when people
18 come out, particularly folks that I haven't seen. That
19 means that folks are listening, watching and learning.

20 I would say to you, once again, these folks that
21 have invested their time, energy and resources in drawing
22 these districts to have representation, they're not here
23 just to waste their time. They didn't do it just to waste
24 their time. And I would say, again, to our college
25 students, keep doing the right thing, regardless of what

1 folks say, because this partisanship situation right here
2 in Virginia has to cease.

3 I know I said this when I first came up, some
4 folks have already had their minds made up what they were
5 going to do. And I'm not here to tongue lash anyone, but
6 I will tell you that, in the City of Virginia Beach, there
7 is no representation for African Americans. Now, the way
8 this district is drawn now, it increases it to the south,
9 but it doesn't change the lack of representation
10 throughout the city. The district that we drew up is a
11 true minority/majority district.

12 And I'll say to you all once again, please take a
13 look at it and set partisanship aside. If there is
14 something that you all say that you can't really -- you
15 don't understand it, there's information up there, contact
16 information. Get back with my folks. But what I have
17 heard in here today is basically everybody trying to play
18 it safe, everybody trying to cover their districts.

19 So I'm just saying, I'm just going back home,
20 boots on the ground, as we say, and deal with it, talk
21 with the constituency there. We're going to try to get
22 out and get good people in office, and make sure that,
23 when we look for representation, that our representatives
24 have the voice of the folks in mind, and not just, you
25 know, here it is. We've already made our decisions.

1 And I would say to you all, take a look at that
2 again, you know, because what I heard here today basically
3 was that, when I filled my tank up this morning, leaving
4 Virginia Beach, it cost me about \$70 to come here to
5 Richmond, I could have kept that in my pocket. But I say
6 to you all, thanks for inviting us and hearing us out.
7 And please take a look at the district that we drew and
8 presented to you.

9 Thank you, again, for everything.

10 CHAIRMAN COLE: Thank you. Does anybody else
11 wish to speak?

12 All right. Thank you. I believe at least the
13 precinct list for the substitute has been distributed to
14 the committee members.

15 DELEGATE JONES: Yes, sir.

16 CHAIRMAN COLE: For 5001.

17 DELEGATE JONES: Yes. That is correct,
18 Mr. Chairman, and this will give you, in a report format,
19 what would be put into a substitute that would be probably
20 two or three pages long, front and back, when they're
21 sitting down with the precincts. I'm going to answer any
22 questions that any members may have, once we've had a
23 chance to look over this.

24 I'm not sure what the posture would be, if we
25 wanted to approve the amendment and make the substitute in

1 concept, based on this work plan which has the House
2 District listed by precinct.

3 CHAIRMAN COLE: Okay. Is there any other
4 question or discussion? Okay.

5 DELEGATE JONES: Mr. Chairman, I would move
6 that we --

7 CHAIRMAN COLE: That we adopt the substitute?

8 DELEGATE JONES: The districts, as listed, the
9 document form of Committee Substitute for 5001.

10 DELEGATE DANCE: I second.

11 CHAIRMAN COLE: There's a motion to a adopt the
12 substitute for 5001. Any other discussions?

13 DELEGATE SICKLES: Mr. Chairman.

14 CHAIRMAN COLE: Delegate Sickles.

15 DELEGATE SICKLES: I just wanted to be clear that
16 when this is a substitute on the floor, will it be
17 amendable?

18 CHAIRMAN COLE: Anything on the floor will be
19 amendable.

20 DELEGATE SICKLES: Okay. Thank you.

21 CHAIRMAN COLE: Any other questions or
22 suggestions? And all of those in favor of adopting the
23 substitute, say aye. Opposed? All right, the substitute
24 for 5001 is before us. Is there a motion on the bill?
25 Motion to report? Is there a second?

1 DELEGATE COSGROVE: Second.

2 CHAIRMAN COLE: Okay. Any other House
3 discussions on the substitute for House Bill for 5001?
4 Now, all those in favor of reporting the substitute for
5 5001 will vote yes.

6 Okay. Has everyone voted? Clerk will close the
7 role. The bill is reported. Is there any other business
8 to come before the Committee?

9 DELEGATE ALBO: I have a question.

10 CHAIRMAN COLE: All right.

11 DELEGATE ALBO: This computer program that you
12 guys have developed is phenomenal. I mean, it's really
13 good. If you go back, you can tag onto the HTML
14 attachment, and you can see all kinds of information. Is
15 the bill that we just passed, when do you think that that
16 is going to be into the computer?

17 DELEGATE JONES: It's being done now. Shortly.

18 DELEGATE ALBO: I just wanted to congratulate
19 you. It's really good.

20 DELEGATE JONES: Mr. Chairman, if I may, I would
21 ask all the Members of the Committee, the public included,
22 to please take a copy of this and go through it and look
23 at it and see that you know your districts, which all
24 members do. I know what you came to talk to me about, or
25 to talk to them about. We tried to reflect that. But

1 sometimes, when you have multiple versions of a program,
2 you might lose something in the program. But I think this
3 best represents what we have talked about before you
4 properly.

5 CHAIRMAN COLE: Okay. Is there any other
6 discussion or any other business to come before the
7 Committee? If not, the committee will rise.

8

9 NOTE: At this time the meeting was adjourned.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF COURT REPORTER

2

3 I, Kellie Milner, hereby certify that I was
4 the court reporter in the Privileges and Elections Hearing
5 for the General Assembly on the 4th day of April, 2011, at
6 the time of the hearing herein.

7 I further certify that the foregoing transcript
8 is a true and accurate record of the incidents of the
9 hearing herein, to the best of my ability.

10 Given under my hand this 3rd day of May, 2011.

11

12

13

14 Kellie Milner, Court Reporter

15

16

17

18

19

20

21

22

23

24

25